

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

11	TRACY EUGENE JONES,)	Case No.: 1:21-cv-1207 JLT SAB
12	Plaintiff,)	
13	v.)	ORDER ADOPTING FINDINGS AND
14	HENRY C. AGUWA, et al.)	RECOMMENDATIONS, GRANTING
15	Defendants.)	DEFENDANTS' MOTION TO DISMISS,
16)	DENYING THE MOTION FOR SUMMARY
)	JUDGMENT AS MOOT, AND DISMISSING THE
)	ACTION
)	(Docs. 46, 47, 48)

The assigned magistrate judge found Plaintiff failed to prosecute the action. (Doc. 48.) The magistrate judge noted Plaintiff had failed to comply with the Court's orders; his failure to respond to discovery "hindered the ultimate resolution of this case;" and Defendants would suffer prejudice due to Plaintiff's actions. (*Id.* at 3-4.) The magistrate judge observed Plaintiff was previously warned that failure to comply with the Court's order would result in dismissal of the action. (*Id.* at 4.) The magistrate judge concluded "no lesser sanction will deter Plaintiff from the kind of misconduct he has engaged in." particularly given that Plaintiff received a warning that (*Id.*) Therefore, the magistrate judge recommended terminating sanctions be imposed and the action be dismissed. (*Id.* at 5.)

The Court served the Findings and Recommendations on the parties on January 27, 2023, and the parties were informed that any objections must be filed within fourteen days of the date of service. (Doc. 48 at 5.) In addition, the Court informed the parties that the "failure to file objections within the specified time may result in the waiver of rights on appeal." (*Id.* at 5, citing *Wilkerson v. Wheeler*, 772

1 F.3d 834, 839 (9th Cir. 2014), *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991).) To date, no
2 party has filed objections, and the deadline to do so has expired.

3 According to 28 U.S.C. § 636(b)(1)(C), the Court conducted a *de novo* review of this case.
4 Having carefully reviewed the entire matter, the Court concludes the Findings and Recommendations
5 are supported by the record and by proper analysis. Thus, the Court **ORDERS**:

- 6 1. The Findings and Recommendations issued on January 27, 2023 (Doc. 48), are
7 **ADOPTED** in full.
- 8 2. Defendants' motion to dismiss (Doc. 47) the action is **GRANTED**.
- 9 3. Defendants' motion for summary judgment (Doc. 46) is denied as **MOOT**.
- 10 4. This action is **DISMISSED** with prejudice.
- 11 5. The Clerk of the Court is directed to close this case.

12
13 IT IS SO ORDERED.

14 Dated: **February 17, 2023**


UNITED STATES DISTRICT JUDGE